In the High Court of Punjab and Haryana, at Chandigarh.

R.S.A. No. 3328 of 2006

Date of Decision: 11.12.2007

Rakesh Kumar Khullar and Another

…Appellants

Versus

Gian Singh and Another

…Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Surinder Mohan Sharma, Advocate
for the appellants.

Mr. Sanjeev Sharma, Advocate
for respondent No. 1.

RAJESH BINDAL, J.

On November 5, 2007, this Court passed the following order:-

> "Learned counsel for the respondents has pointed out that the appellant in the present case, namely Rakesh Kumar Khullar had been declared as Proclaimed Offender in Criminal Complaint No. 53/1 by Judicial Magistrate First Class, Ambala City.
>
> Learned counsel for the appellants seeks time to have instructions from the appellants whether appellant Rakesh Kumar Khullar proposes to surrender himself in criminal proceedings mentioned above or not".

It is not disputed that the appellant has been declared as proclaimed offender in a complaint filed by the respondent under Sections 109, 120-B, 193, 419, 463, 465, 468 and 471 IPC vide order dated May 17,

2003 by Judicial Magistrate Ist Class, Ambala City.

In terms of the order passed by this Court on November 5, 2007, learned counsel for the appellants sought time to seek instructions from the appellant No.1 as to whether he proposes to surrender himself before the Judicial Magistrate Ist Class, Ambala City, in criminal complaint No. 53/1 wherein he has already been declared as proclaimed offender.

Today when the case was taken up, learned counsel for the appellants submits that the appellant No.1 has not made up his mind to surrender in those proceedings. Once it is found that the appellant No.1 is evading due process of law in criminal case pending against him, this Court would not grant any indulgence to such a litigant. Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

December 11, 2007
"DK"